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In The Matter Of:

*Tammy Kitzmiller, et al. v.
Dover Area School District, et al.*

*William Buckingham
January 3, 2005*

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[1] please.

[2] (The court reporter read back the previous
[3] question.)

[4] A: Ancestor to what?

[5] BY MR. HARVEY:

[6] Q: To all life forms including man.

[7] A: The question was is that inconsistent with my
[8] beliefs?

[9] Q: Yes.

[10] A: Yes.

[11] Q: Why is that inconsistent with your beliefs?

[12] MR. GILLEN: Objection, relevance.

[13] A: Why is it inconsistent with my beliefs?

[14] BY MR. HARVEY:

[15] Q: Yes.

[16] A: My faith is founded on the book of Genesis.

[17] Q: Can you explain further?

[18] A: They're different.

[19] Q: How are they different?

[20] A: Do you want to do this again?

[21] Q: I would like to make sure that the record is
[22] clear on this point.

[23] A: Again, I'm not a scientist, but it's my
[24] understanding that in the theory of evolution
[25] where it goes back to the beginning of man it's

[1] happenstance, it just happened, and that is
[2] inconsistent with my faith.

[3] Q: Let's see if we just can agree on who was on the
[4] board on October the 18th just so we're on the
[5] same common frame. We have you, we have
[6] Ms. Harkins, Ms. Geesey, Mr. Wenrich,
[7] Mr. Bonsell, Mr. and Mrs. Brown, Ms. Yingling,
[8] and Ms. Cleaver.

[9] A: That sounds right.

[10] Q: Now, have you ever had a discussion with any of
[11] those people about their beliefs, their
[12] religious views as they relate to the subject of
[13] evolution?

[14] MR. GILLEN: Objection, relevance.

[15] A: The answer is not that I recall.

[16] BY MR. HARVEY:

[17] Q: Have any of them ever shared their religious
[18] views with you as it relates to the subject of
[19] evolution?

[20] A: Not that I recall.

[21] Q: Now, I'm sure you're aware that the
[22] deliberations of the Dover Area School Board as
[23] it relates to the subject of intelligent design
[24] and the biology textbook has created a great
[25] deal of press attention.

[1] A: Yes.

[2] Q: Do you read a paper daily?

[3] A: No.

[4] Q: Do you read any paper on a regular basis?

[5] A: No.

[6] Q: Do you get any papers delivered to your house?

[7] A: Yes.

[8] Q: Which ones?

[9] A: The York Dispatch and York Daily Record.

[10] Q: Does your wife read them?

[11] A: I don't know.

[12] Q: Do you ever discuss those?

[13] A: Discuss what?

[14] Q: The things that are in the newspaper.

[15] A: The obituaries.

[16] Q: Do you read what's written in there about the
[17] Dover school board?

[18] A: I did at first. I don't anymore.

[19] Q: Have you ever disputed anything that's been
[20] written in either The York Dispatch or the York
[21] Daily Record and attributed to you or the Dover
[22] school board?

[23] MR. GILLEN: Objection, relevance.

[24] A: Disputed with who?

[25] BY MR. HARVEY:

[1] Q: Disputed it with the newspapers like write a
[2] letter to them or call them up and say you've
[3] got it wrong?

[4] A: Yes.

[5] Q: How many times?

[6] A: I don't know, several.

[7] Q: Did you in writing or by phone?

[8] A: I usually talk to the reporter that comes to the
[9] meetings.

[10] Q: Who's that?

[11] A: Joe Maldonaldo.

[12] Q: Now, are you aware of any inaccuracies in the
[13] reporting of the York Daily Record or The York
[14] Dispatch over the last year as it relates to the
[15] subject of intelligent design, the board's
[16] resolution, or its deliberations?

[17] MR. GILLEN: Objection, relevance. Please
[18] answer.

[19] A: Could you ask that again.

[20] BY MR. HARVEY:

[21] Q: Sure. Are you aware sitting here today of any
[22] inaccuracies in the reporting of The York
[23] Dispatch or the York Daily Record over the past
[24] year as it relates to the subjects that are at
[25] issue in this lawsuit, the biology curriculum in

Page 24

[1] particular?

[2] **MR. GILLEN:** Objection, foundation.

[3] **A:** Yes.

[4] **BY MR. HARVEY:**

[5] **Q:** What inaccuracies are you aware of?

[6] **A:** You're going back over a year. I don't remember
[7] everything.

[8] **Q:** Completely understand that you wouldn't remember
[9] everything. Do you remember anything?

[10] **A:** Yes.

[11] **Q:** Tell me what you remember that was inaccurate.

[12] **A:** Well, just recently, I think it was last week,
[13] last week Mr. Maldonado put in the newspaper
[14] that I was back from my — where I was and
[15] indicated that I wouldn't say where I went
[16] because my attorney told me not to, and that's
[17] not true.

[18] **Q:** How about other than that, are you aware of any
[19] other— Can you tell me any other inaccuracies
[20] sitting here today that you remember?

[21] **MR. GILLEN:** Objection, foundation.

[22] **A:** I know there were various and assorted
[23] statements attributed to me that were let's just
[24] say less than accurate.

[25] **BY MR. HARVEY:**

Page 25

[1] **Q:** Any that you're aware of right now that you can
[2] tell me about?

[3] **A:** I can just tell you that I know over the course
[4] of the year there were things attributed to me
[5] that weren't accurate. If you have something
[6] for me to see, I'll look at it and tell you.

[7] **Q:** We're going to get to that in just a second. I
[8] just want to know you can't sitting here right
[9] now think of what those things were?

[10] **A:** Well, it's been a while. Like I told you, I got
[11] tired of reading it. I don't read what they say
[12] anymore. I check the obituaries. I look at the
[13] sports and that's it. I don't care what people
[14] want to say. It's usually nothing relevant
[15] anyway.

[16] **Q:** Sitting in front of you is a series of exhibits
[17] that we used this morning, and we're going to
[18] use the same ones this afternoon plus maybe some
[19] more. Right now I've got in front of you
[20] Deposition Exhibit 5 which is a compendium of
[21] articles from The York Dispatch and the York
[22] Daily Record.

[23] **MR. GILLEN:** Did you say four or five?

[24] **MR. HARVEY:** I meant four.

[25] **BY MR. HARVEY:**

[26]

[1] **Q:** I'm not going to ask you to look at this entire
[2] thing because that would take you the rest of
[3] the day, but I am going to ask you to look at
[4] some portions of it.

[5] Now, if you turn to the June the 8th —
[6] it's in chronological order — York Dispatch,
[7] June the 8th, do you see the headline is Dover
[8] Debates Evolution in Biology Text, Book on hold
[9] Because it Doesn't Address Creationism. That's
[10] The York Dispatch June the 8th?

[11] **A:** Apparently.

[12] **Q:** Let me ask you, at or about this time, June the
[13] 8th, 2004, was the biology textbook for the
[14] ninth grade on hold because it didn't address
[15] creationism?

[16] **A:** No.

[17] **Q:** Was it ever on hold because it didn't address
[18] creationism?

[19] **A:** No.

[20] **Q:** Was it ever on hold?

[21] **A:** Now we got to play with dates here. At first
[22] the science department wanted a book that was a
[23] 2002 model. We later found out there was one
[24] that came out that was dated 2004. So I don't
[25] know which book we're talking about because we

Page 27

[1] put the 2002 on hold to see if we could get the
[2] 2004.

[3] **Q:** What about in or about June of 2004 of this
[4] year?

[5] **A:** I don't know what the date was, but.

[6] **Q:** Do you remember that the school faculty and
[7] administration recommended that the book Biology
[8] by Kenneth Miller be purchased?

[9] **A:** The 2004 model?

[10] **Q:** Yes.

[11] **A:** Yes.

[12] **Q:** Do you remember if that decision was put on hold
[13] for any reason by the board?

[14] **A:** I know at that time we didn't have a full board.
[15] Somebody was on vacation. And I think the
[16] thought was to put it on hold until that person
[17] came back.

[18] **Q:** Was that the only reason — only time it was
[19] ever on hold?

[20] **A:** That was when it was on hold, as I recall.

[21] **Q:** Was it ever put on hold because of the way it
[22] addressed evolution?

[23] **A:** Because of the way— I don't understand the
[24] question.

[25] **Q:** Well, let me— Let's look at this article right